

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
FIDELITY INFORMATION SERVICES, INC., :  
-----X

Plaintiff, :  
-----X

-against- :  
-----X

DEBTDOMAIN GLMS PTE LTD., ET AL., :  
-----X

Defendants. :  
-----X

KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE

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**ORDER**

09 Civ. 7589 (LAK)(KNF)

To support their contention that Garry Viner (“Viner”) is not an employee or manager of any Debtdomain entity, the defendants submitted, and the Court has reviewed: (1) the declaration of David Levy (“Levy”), an officer of Debtdomain (USA), Inc. (“USA”), who purports to speak to Viner’s alleged employment with Debtdomain GLMS Pte Ltd. (“GLMS”); and (2) a services agreement between Red 5 Interactive Media Pty Ltd., GLMS and Debtdomain Limited, dated January 1, 2007.

The defendants have long contended that USA and GLMS are separate and distinct entities. Hence, Levy, identified in his declaration as an officer of USA only, is not competent to make statements regarding the relationship, if any, between Viner and GLMS. The services agreement proffered by the defendants is also of no utility, since it does not even mention Viner. Notably, the defendants have not submitted any competent evidence from Viner regarding his relationship to GLMS.

The Court finds the defendants have failed to rebut evidence that Viner is an employee or managing agent of a Debtdomain entity – most compelling is that, as of July 13, 2010, Viner was listed on the website [www.debtdomain.com](http://www.debtdomain.com) as part of management, with the title Senior Application Developer.

Accordingly, IT IS HEREBY ORDERED that Viner shall appear for a deposition, in London, on or before September 8, 2010.

Dated: New York, New York  
August 12, 2010

SO ORDERED:

*Kevin Nathaniel Fox*  
KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE